



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Amendment to Conditions of Approval

HEARING DATE: JANUARY 12, 2012

*Date:* January 5, 2012  
*Case No.:* **2011.1327C**  
*Project Address:* **401 GROVE STREET**  
*Zoning:* Hayes Gough Neighborhood Commercial Transit (NCT) District  
40-X/50-X Height and Bulk District  
*Block/Lot:* 0808/036  
*Project Sponsor:* Ivy Grove Partners, LLC  
615 Front Street  
San Francisco, CA 94111  
*Staff Contact:* Kevin Guy – (415) 558-6163  
kevin.guy@sfgov.org  
*Recommendation:* **Disapproval**

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### BACKGROUND AND REQUESTED AMENDMENT

On July 13, 2011, the Planning Commission approved a Conditional Use Authorization for a project to demolish an existing surface parking lot and construct a new mixed-use project containing 63 dwelling units (including nine on-site inclusionary housing units), 5,000 square feet of ground floor commercial uses, 32 off-street residential parking spaces, three commercial parking spaces, and two car-share parking spaces (Case No. 2011.0399C). The plans presented to the Commission included tables and graphics depicting seven of the residential parking spaces in a tandem configuration, which would result in a total of 39 residential parking spaces. However, the written application indicated that the project was proposing parking in an amount which is principally permitted by the Planning Code. The Planning Code principally permits a maximum of 32 residential parking spaces for the project, at a ratio of one space for each two dwelling units. Accordingly, the conditions of approval limited the total number of parking spaces in an amount that did not account for the seven additional parking spaces that would result from the tandem configurations. The project sponsor requests an amendment to the previous conditions of approval to allow these seven additional spaces, increasing the total number of residential parking spaces from 32 to 39. This amount of parking may be requested through Conditional Use Authorization, pursuant to Planning Code Section 151.1.

Excerpts of the previously-approved plans for the project (including the basement level parking plan) are attached for reference.

### SITE DESCRIPTION AND PRESENT USE

The project site was formerly occupied by the elevated Central Freeway and is currently used as a surface parking lot. It measures approximately 22,825 square feet in area and is trapezoidal in shape, with approximately 155 feet of frontage on Grove Street to the north, approximately 120 feet of frontage on Gough Street to the east, and approximately 225 feet of frontage on Ivy Street to the south. The project site is within the Hayes-Gough NCT (Neighborhood Commercial Transit) Zoning District. The majority

of the project site is located within the 50-X Height and Bulk District, however, the southwesterly portion of the site along the Ivy Street is located within the 40-X Height and Bulk District, beginning at a point located 70 feet to the west of the intersection with Gough Street and extending 60 feet into the interior of the lot.

### **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

Parcels formerly occupied by the Central Freeway are situated to the northeast and southwest of the project site, and are currently used as surface parking lots. The adjacent property to the west is developed with a four-story motel constructed in 1960. Gough Street to the east of the project site is a major arterial but also a vibrant commercial street with a high volume of pedestrian traffic.

Beyond the immediate vicinity, the area surrounding the project site primarily consists of residential buildings of two to five stories in height. Ground floor retail and restaurant uses are found along Hayes Street one block south of the project site, while other isolated commercial establishments are scattered throughout the neighborhood. The Civic Center district begins one block to the east of the project site, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include Jefferson Square to the north, Hayes Valley Playground to the west, Patricia's Green and Koshland Park to the southwest, Buchanan Street Mall and Alamo Square to the west, and Civic Center Plaza to the east.

### **ENVIRONMENTAL REVIEW**

The previously-approved project was analyzed at a project-specific level in Final Environmental Impact Report ("FEIR") for the Market and Octavia Area Plan (Case No. 2003.0347E), which was certified in 2007. Since the FEIR was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR.

### **HEARING NOTIFICATION \***

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	December 23, 2011	December 23, 2011	20 days
Posted Notice	20 days	December 23, 2011	December 23, 2011	20 days
Mailed Notice	10 days	January 2, 2012	December 20, 2011	23 days

### **PUBLIC COMMENT**

The Department has received one letter regarding the requested amendment from the Hayes Valley Neighborhood Association (HVNA). The letter reaffirms that the HVNA supports the overall project, but indicates that the group opposes the request for additional residential parking beyond the principally permitted amount.

## **ISSUES AND OTHER CONSIDERATIONS**

The previously-approved project will add dense housing and new retail spaces to an urban context that is well served by public transit. By targeting infill, mixed-use development at such locations, residents of the project will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use.

Accessory parking is not required for residential uses within NCT Districts, in recognition of the pedestrian- and transit-oriented nature of these Districts. The additional parking proposed by the requested amendment may serve as a disincentive for residents and retail patrons to travel by means other than the private automobile. The resulting movement of additional vehicles around the project site and in the vicinity may degrade the experience of pedestrians and bicyclists. The additional parking also conflicts with multiple policies in the General Plan, and specifically the Market and Octavia Area Plan, to contribute to a built environment that encourages a variety of transportation options and discourages private automobile use as a primary mode of travel in walkable, transit-rich neighborhoods.

## **REQUIRED COMMISSION ACTION**

In order for the additional parking to be authorized, the Commission must amend the conditions of approval for the previously-approved project, and grant Conditional Use authorization to allow residential parking in an amount that exceeds the principally permitted amount specified in the Planning Code.

## **BASIS FOR RECOMMENDATION**

- The requested amendment would contradict the vision of the General Plan, and specifically the Market and Octavia Area Plan to focus new housing in walkable, transit-served locations in a manner that discourages private automobile use as a primary mode of travel.
- The movement of additional vehicles around the project site resulting from the added parking may degrade the experience of pedestrians and bicyclists.
- The requested amendment is not necessary or desirable for, or compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b> <b>Disapproval</b>
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### **Attachments:**

Draft Motion  
Conditions of Project Approval (Case No. 2011.0399C)  
Block Book Map  
Sanborn Map  
Aerial Photograph  
Zoning Map  
Letter from Project Sponsor, dated January 4, 2012  
Letter from Hayes Valley Neighborhood Association, dated January 4, 2012  
Excerpts of previously-approved plans

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal                                 |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>  |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                      |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>   |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Check for legibility                                      |
| <input checked="" type="checkbox"/> Parcel Map          | <input type="checkbox"/> Health Dept. review of RF levels                                     |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> RF Report  |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Community Meeting Notice   |
| <input type="checkbox"/> Context Photos                 | <input type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input type="checkbox"/> Site Photos                    |   |

Exhibits above marked with an "X" are included in this packet

\_\_\_\_\_  
Planner's Initials

*KG: G:\Documents\Projects\401 Grove - Parking\2011.1327C - 401 Grove - Exec Summary.doc*



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Draft Motion

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*Case No.:* **2011.1327C**  
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*Zoning:* Hayes Gough Neighborhood Commercial Transit (NCT) District  
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 615 Front Street  
 San Francisco, CA 94111  
*Staff Contact:* Kevin Guy – (415) 558-6163  
 kevin.guy@sfgov.org

**ADOPTING FINDINGS DISAPPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL OF A PREVIOUSLY-APPROVED CONDITIONAL USE AUTHORIZATION TO ADD SEVEN RESIDENTIAL PARKING SPACES IN A TANDEM CONFIGURATION, FOR A TOTAL OF 44 OFF-STREET PARKING SPACES, PURSUANT TO SECTIONS 151.1 AND 303 OF THE PLANNING CODE, WITH RESPECT TO A PROPOSAL TO CONSTRUCT A NEW FIVE-STORY, MIXED-USE BUILDING CONTAINING APPROXIMATELY 63 DWELLING UNITS AND 5,000 SQUARE FEET OF GROUND FLOOR COMMERCIAL USES, LOCATED AT 401 GROVE STREET, LOT 036 IN ASSESSOR'S BLOCK 0808, WITHIN THE HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, AND THE 40-50-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On July 14, 2011, the Planning Commission ("Commission") approved a Conditional Use Authorization to allow development on a lot exceeding 10,000 square feet, and to approve a Planned Unit Development under Planning Code Sections ("Sections") 303 and 304 to allow a project that would demolish an existing surface parking lot and construct a new five-story mixed-use building containing approximately 63 dwelling units, 5,000 square feet of ground floor commercial uses, and 37 off-street parking spaces within an underground garage, located at 401 Grove Street, Lot 036 within Assessor's Block 0808 ("Project Site") within the Hayes-Gough Neighborhood Commercial Transit (NCT) District, and the 40-50-X Height and Bulk District. The

project was granted specific modifications of Planning Code regulations regarding rear yard, dwelling unit exposure, bay window dimensions, and height measurement through the Planned Unit Development process specified in Section 304 (collectively, "Project", Case No. 2011.0399C).

On November 7, 2011, Elizabeth Costello, acting on behalf of Ivy Grove Partners, LLC ("Project Sponsor") filed an application with the Planning Department ("Department") to amend the conditions of approval for the previously-approved Project to add seven residential parking spaces in a tandem configuration, for a total of 44 off-street parking spaces, pursuant to Sections 151.1 and 303 ("Requested Amendment", Case No. 2011.1327C).

On November 13, 2008, the Commission approved a Conditional Use Authorization to allow development on a lot exceeding 10,000 square feet, and to approve a Planned Unit Development under Sections 303 and 304 to allow a project that would demolish an existing surface parking lot and construct a new five-story mixed-use building containing approximately 61 dwelling units, 10,000 square feet of ground floor commercial uses, and 39 off-street parking spaces within an underground garage. The project was also granted specific modification of Planning Code regulations regarding rear yard, usable open space, and measurement of height (Case No. 2007.0487CEK).

Department staff prepared two Notes to File (dated July 14, 2008 and October 15, 2008) that verified that the project proposed in Case No. 2007.0487CEK was analyzed at a project-specific level in Final Environmental Impact Report ("FEIR") for the Market and Octavia Area Plan (Case No. 2003.0347E).

On April 5, 2007, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

On June 19, 2007, the Board of Supervisors upheld the FEIR and approved the issuance of the FEIR as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2003.0347E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

In addition, Department staff prepared a Note to File, dated July 13, 2011 verifying the Project proposed in Case No. 2011.0399C was analyzed at a project-specific level in the FEIR for the Market and Octavia Area Plan, as previously concluded in the Notes to File for the previous

project proposed in Case No. 20070487CEK. Since the FEIR was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR.

On July 14, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1327C.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby disapproves the Conditional Use Authorization requested in Application No. 2011.1327C, based on the following findings:

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site was formerly occupied by the elevated Central Freeway and is currently used as a surface parking lot. It measures approximately 22,825 square feet in area and is trapezoidal in shape, with approximately 155 feet of frontage on Grove Street to the north, approximately 120 feet of frontage on Gough Street to the east, and approximately 225 feet of frontage on Ivy Street to the south. The Project Site is within the Hayes-Gough NCT (Neighborhood Commercial Transit) Zoning District. The majority of the Project Site is located within the 50-X Height and Bulk District, however, the southwesterly portion of the site along the Ivy Street is located within the 40-X Height and Bulk District, beginning at a point located 70 feet to the west of the intersection with Gough Street and extending 60 feet into the interior of the lot.
3. **Surrounding Properties and Neighborhood.** Parcels formerly occupied by the Central Freeway are situated to the northeast and southwest of the Project Site, and are currently used as surface parking lots. The adjacent property to the west is developed with a four-story motel constructed in 1960. Gough Street to the east of the Project Site is a major arterial but also a vibrant commercial street with a high volume of pedestrian traffic.

Beyond the immediate vicinity, the area surrounding the project site primarily consists of residential buildings of two to five stories in height. Ground floor retail and restaurant

uses are found along Hayes Street one block south of the project site, while other isolated commercial establishments are scattered throughout the neighborhood. The Civic Center district begins one block to the east of the Project Site, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include Jefferson Square to the north, Hayes Valley Playground to the west, Patricia's Green and Koshland Park to the southwest, Buchanan Street Mall and Alamo Square to the west, and Civic Center Plaza to the east.

4. **Project Description.** On July 13, 2011, the Planning Commission approved a Conditional Use Authorization for a Project to demolish an existing surface parking lot and construct a new mixed-use project containing 63 dwelling units (including nine on-site inclusionary housing units), 5,000 square feet of ground floor commercial uses, 32 off-street residential parking spaces, three commercial parking spaces, and two car-share parking spaces (Case No. 2011.0399C). The plans presented to the Commission included tables and graphics depicting seven of the residential parking spaces in a tandem configuration, which would result in a total of 39 residential parking spaces. However, the written application indicated that the Project was proposing parking in an amount which is principally permitted by the Planning Code. The Planning Code principally permits a maximum of 32 residential parking spaces for the Project, at a ratio of one space for each two dwelling units. Accordingly, the conditions of approval limited the total number of parking spaces in an amount that did not account for the seven additional parking spaces that would result from the tandem configurations. The Project Sponsor requests an amendment to the previous conditions of approval to allow these seven additional spaces, increasing the total number of residential parking spaces from 32 to 39. This amount of parking may be requested through Conditional Use Authorization, pursuant to Section 151.1.
5. **Public Comment.** The Department has received one letter regarding the requested amendment from the Hayes Valley Neighborhood Association (HVNA). The letter reaffirms that the HVNA supports the overall project, but indicates that the group opposes the request for additional residential parking beyond the principally permitted amount.
6. **Planning Code Compliance:** The Commission finds that the Requested Amendment is consistent with some, but not all of the relevant provisions of the Planning Code in the following manner:
  - A. **Off-Street Parking and Car Sharing.** Section 151.1 establishes the maximum amount of off-street parking that is permitted as accessory for uses within NCT Districts. Pursuant to these regulations, the Project would be principally permitted 3 off-street parking spaces to serve the commercial use, and 32 parking spaces to serve the residential use. In addition, Section 166 requires that the Project provide one car-share parking space. Off-street spaces dedicated for use as car-share parking are not credited toward the total amount of permitted accessory parking. Residential parking that exceeds the principally permitted amount specified in



Section 151.1, up to .75 spaces per dwelling unit, may be permitted through Conditional Use Authorization subject to the criteria and procedures of Section 151.1(g).

*The Project proposes three off-street parking spaces to serve the commercial uses, and 39 spaces to serve the residential uses (including seven residential spaces in a tandem configuration that can accommodate up to fourteen vehicles). Therefore, the Project includes residential parking that exceeds the principally permitted amount specified in Section 151.1. The Project Sponsor is seeking Conditional Use Authorization to allow up to 39 residential spaces, and proposes the Requested Amendment to delete the conditions of approval imposed on the previously-approved Project in order to accommodate these spaces.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the Requested Amendment does not comply with the criteria of Section 303, in that:
  - a. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.
  - b. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:
    - i. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.
    - ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.
    - iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor.
    - iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting, and signs.
  - c. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.
  - d. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The previously-approved Project will add significant housing opportunities at a density suitable for an urban context that is well served by public transit. In addition, the project will add new retail spaces that will provide employment opportunities, and will serve the residents of the Project and the larger neighborhood. By targeting infill, mixed-use development at such locations, residents of the Project will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use. The retail uses and public realm improvements along Ioy Street will create a vibrant focal point for the area, activating the streetscape and creating visual interest for pedestrians.*

*Accessory parking is not required for residential uses within NCT Districts, in recognition of the pedestrian- and transit-oriented nature of these Districts. The additional parking proposed by the Requested Amendment may serve as a disincentive for residents and retail patrons to travel by means other than the private automobile. The resulting movement of additional vehicles around the Project Site and in the vicinity may degrade the experience of pedestrians and bicyclists. The additional parking also conflicts with multiple policies in the General Plan, and specifically the Market and Octavia Plan, to contribute to a built environment that encourages a variety of transportation options and discourages private automobile use as a primary mode of travel in walkable, transit-rich neighborhoods. Therefore, the additional parking proposed by the Requested Amendment is not necessary or desirable for, or compatible with the neighborhood. See Item #8 for further discussion of the required Conditional Use Authorization criteria specified in Section 151.1.*

8. **Planning Code Section 151.1(f)** establishes criteria for the Planning Commission to consider when reviewing applications for residential and commercial off-street parking that exceed the principally permitted amount within an NCT District. On balance, the project complies with some, but not all of the said criteria in that:

- a. Parking for all uses
- i. Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

*The additional parking requested for the Project would incentivize additional travel by private automobile. The movement of additional vehicles in the vicinity of the Project Site would detract from the walkable, urban context of the Project Site, and could contribute to additional conflicts between these vehicles and pedestrians, bicyclists, and transit vehicles in the vicinity.*

- ii. Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.
- iii. All above-grade parking is architecturally screened and, where appropriate, lined with active uses according to the standards of Section 145.1, and the project

sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code.

- iv. Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

*The additional off-street parking requested by the Project Sponsor is located within an underground garage, and is not readily visible from the public right-of-way.*

b. Parking for Residential Uses

- i. For projects with 50 dwelling units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses.

*The additional residential parking proposed for the project is proposed in a tandem configuration, which qualifies as a "space-efficient means" of parking.*

- 11. **General Plan Compliance.** The Requested Amendment is, on balance, not consistent with the following Objectives and Policies of the General Plan:

**TRANSPORTATION ELEMENT:  
Objectives and Policies**

**OBJECTIVE 5.2**

**ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.**

**OBJECTIVE 34**

**RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.**

**Policy 5.2.1:**

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

**MARKET AND OCTAVIA PLAN:  
Objectives and Policies**

**OBJECTIVE 5.2**

**DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.**

**Policy 5.2.1:**

Eliminate minimum off-street parking requirements and establish parking caps for residential and commercial parking.

**Policy 5.2.3:**

Minimize the negative impacts of parking on neighborhood quality.

*The previously-approved Project will add significant housing opportunities at a density suitable for an urban context that is well served by public transit. By targeting infill, mixed-use development at such locations, residents of the Project will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use. However, the additional parking proposed by the Requested Amendment would encourage greater private automobile use in a location that is highly suited to other transportation modes.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Requested Amendment complies with some, but not all said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The previously-approved Project would include retail spaces to provide goods and services to residents in the area, contribute to the economic vitality of the area, and will define and activate the streetscape. The Requested Amendment will not affect this policy.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The previously-approved Project will not diminish existing housing stock, and will add dwelling units in a manner that enhances the vitality of the neighborhood. The Requested Amendment will not affect this policy.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*No housing is removed for the previously-approved Project. Nine affordable dwelling units will be provided on-site. The Requested Amendment will not affect this policy.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network. Disapproval of the requested amendment would limit the amount for residential parking within the Project, helping to encourage transit usage, deemphasize reliance on the private automobile, and retain a desirable environment for pedestrian and bicycle activity.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The previously-approved Project will not displace any service or industry establishment, does not propose any office development, and will include retail spaces that will provide employment opportunities for area residents. The Requested Amendment will not affect this policy.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The previously-approved Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. The Requested Amendment will not affect this policy.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project Site.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The previously-approved Project will not cast shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces. The Requested Amendment will not affect this policy.*

10. The Commission hereby finds that approval of the Requested Amendment would not promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DISAPPROVES Conditional Use Application No. 2011.1327C.**

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this disapproval of a Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 12, 2012.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 12, 2012

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow development of a lot exceeding 10,000 square feet, and for a Planned Unit Development that would demolish an existing surface parking lot and construct a new five-story mixed-use building containing approximately 63 dwelling units, 5,000 square feet of ground floor commercial uses, and 37 off-street parking spaces located at 401 Grove Street, Block 0808, Lot 036, pursuant to Planning Code Sections 121.1, 303, and 304, within the Hayes-Gough Neighborhood Commercial Transit District and the 40-50-X Height and Bulk District; in general conformance with plans, dated July 14, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0399C and subject to conditions of approval reviewed and approved by the Commission on July 14, 2011 under Motion No 18410. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on July 14, 2011 under Motion No 18410.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18410 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to construct the project and/or commence the approved use is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Mitigation Measures.** Mitigation measures described in the MMRP for the Market and Octavia Area Plan EIR (Case No. 2003.0347C) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### DESIGN – COMPLIANCE AT PLAN STAGE

4. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*



5. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

6. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;

4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

10. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

11. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

12. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a pedestrian streetscape improvement plan to the Planning Department for review in consultation with the Department of Public Works and the Department of Parking and Traffic prior to Building Permit issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

13. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and

where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

14. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

15. **Car Share.** Pursuant to Planning Code Section 166, no fewer than one car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

16. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2 and 155.4, the Project shall provide no fewer than 34 bicycle parking spaces (6 Class 1 or 2 spaces for the parking garage portion of the Project and 28 Class 1 or 2 spaces for the residential portion of the Project).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

17. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 35 independently accessible off-street parking spaces, excluding car share spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

18. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the

Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

19. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-401-4960, [www.onestopSF.org](http://www.onestopSF.org)*

20. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

21. **Affordable Units**

- a. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. The Project contains 63 units; therefore, 9 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 9 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

- b. **Unit Mix.** The Project contains 1 studio, 23 one-bedroom, 34 two-bedroom, and 5 three-bedroom units; therefore, the required affordable unit mix is 3 one-bedroom, 5 two-bedroom, and 1 three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

- c. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

- d. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) of the each phase's total number of dwelling units as on-site affordable units.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

- e. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

- f. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms

of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

ii. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program, an amount that translates to ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size" derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.

iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.

v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.

vi. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.

vii. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

viii. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

21. **Market Octavia Affordable Housing Fee.** Pursuant to Planning Code Section 416 (formerly 315.4), the Project Sponsor shall comply with the Market Octavia Affordable Housing requirements through payment of the Market Octavia Affordable Housing Fee in full to the Treasurer, prior to the issuance by Department of Building Inspection of the first certificate of occupancy for the development project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

22. **Market Octavia Community Improvements Fund.** Pursuant to Planning Code Section 421 (formerly 326), the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee in full to the Treasurer, or the execution of a Waiver Agreement, or an In-Kind agreement approved as described per Planning Code Section 421 (formerly 326) prior to the issuance by Department of Building Inspection of the construction document for the development project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

23. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

24. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## **OPERATION**

25. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*

26. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

27. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

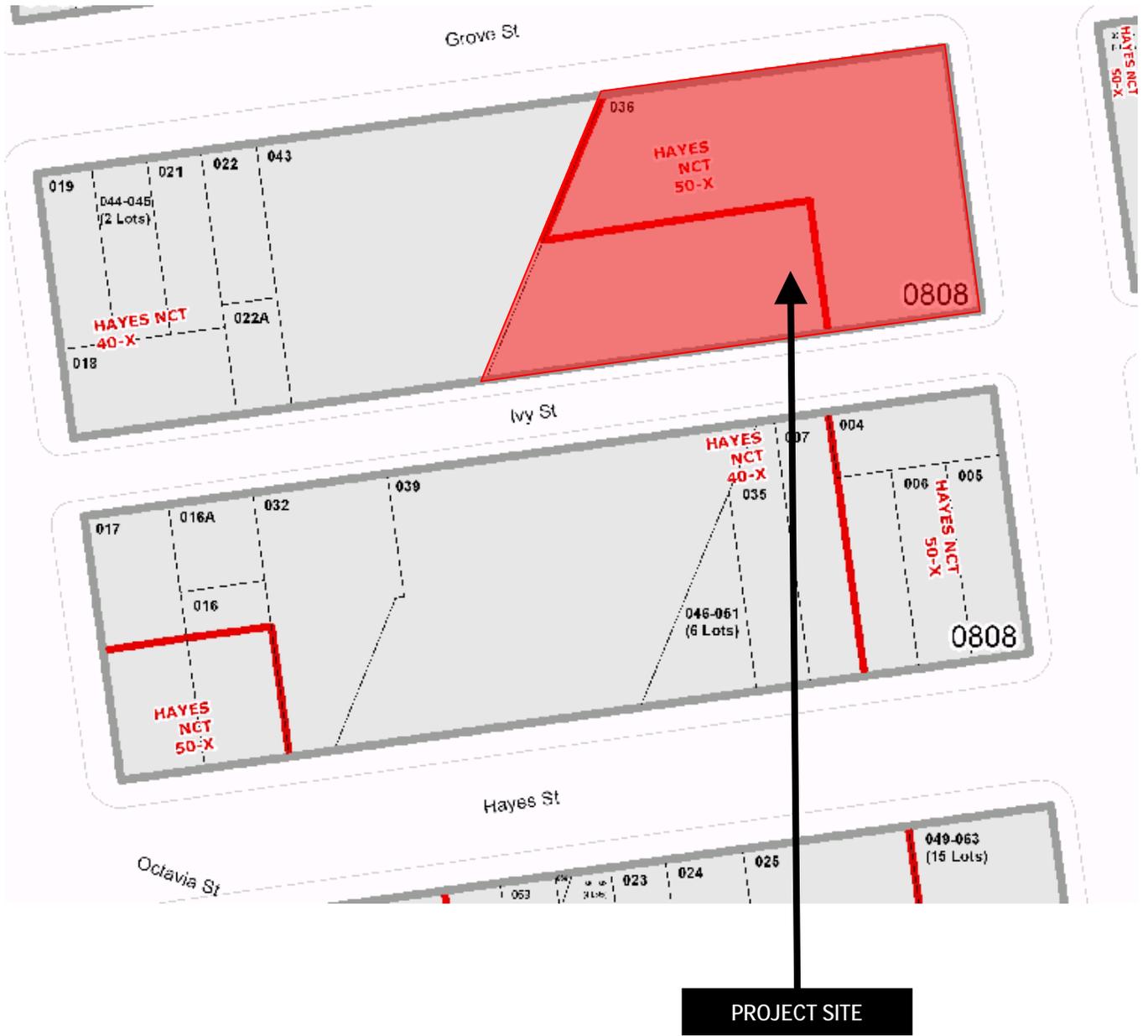
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*



**28. Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)

# Parcel Map



Conditional Use Authorization - Amendment  
Case Number 2011.1327C  
401 Grove Street

# Sanborn Map\*

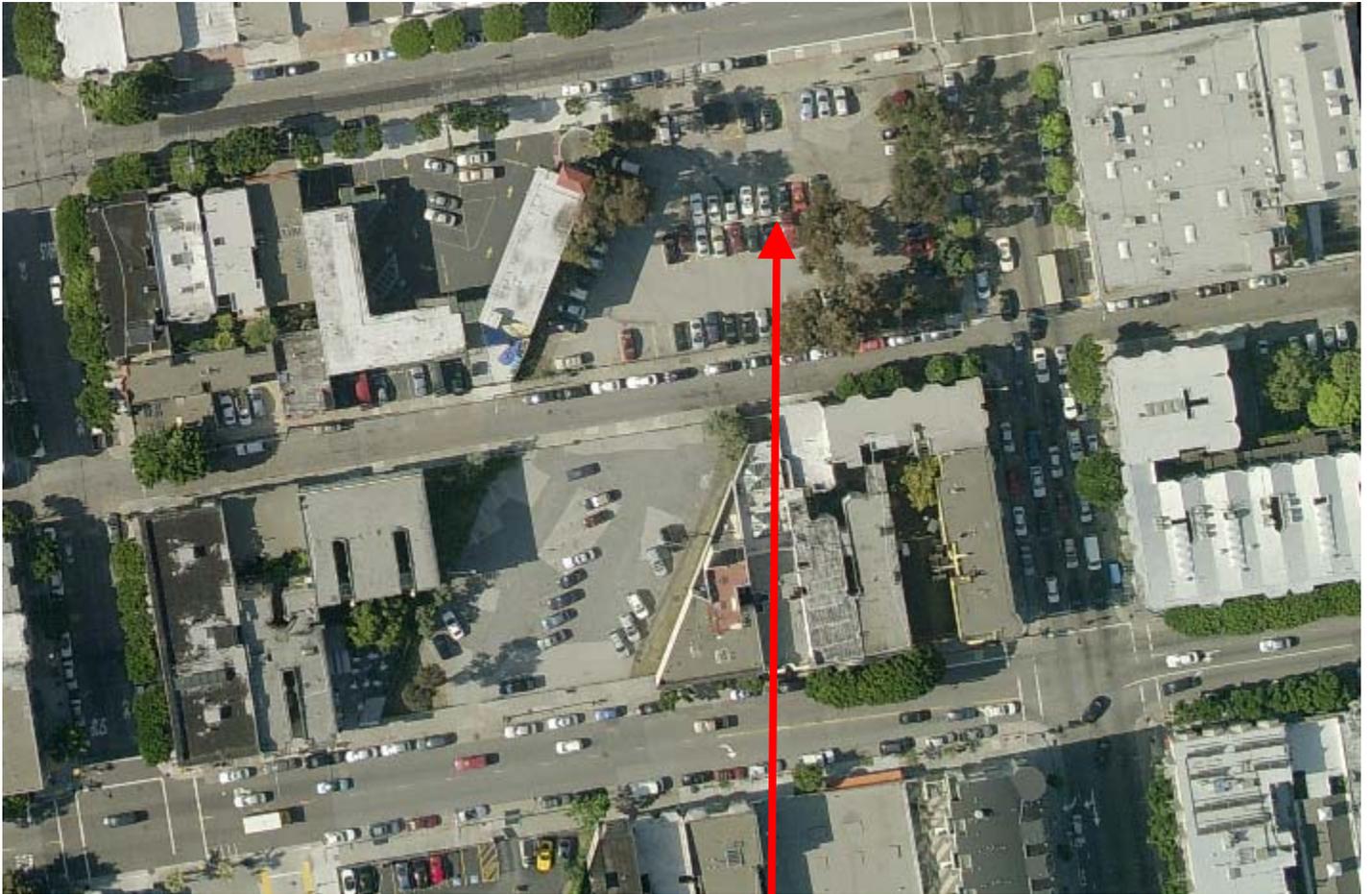


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization - Amendment  
Case Number 2011.1327C  
401 Grove Street

# Aerial Photo

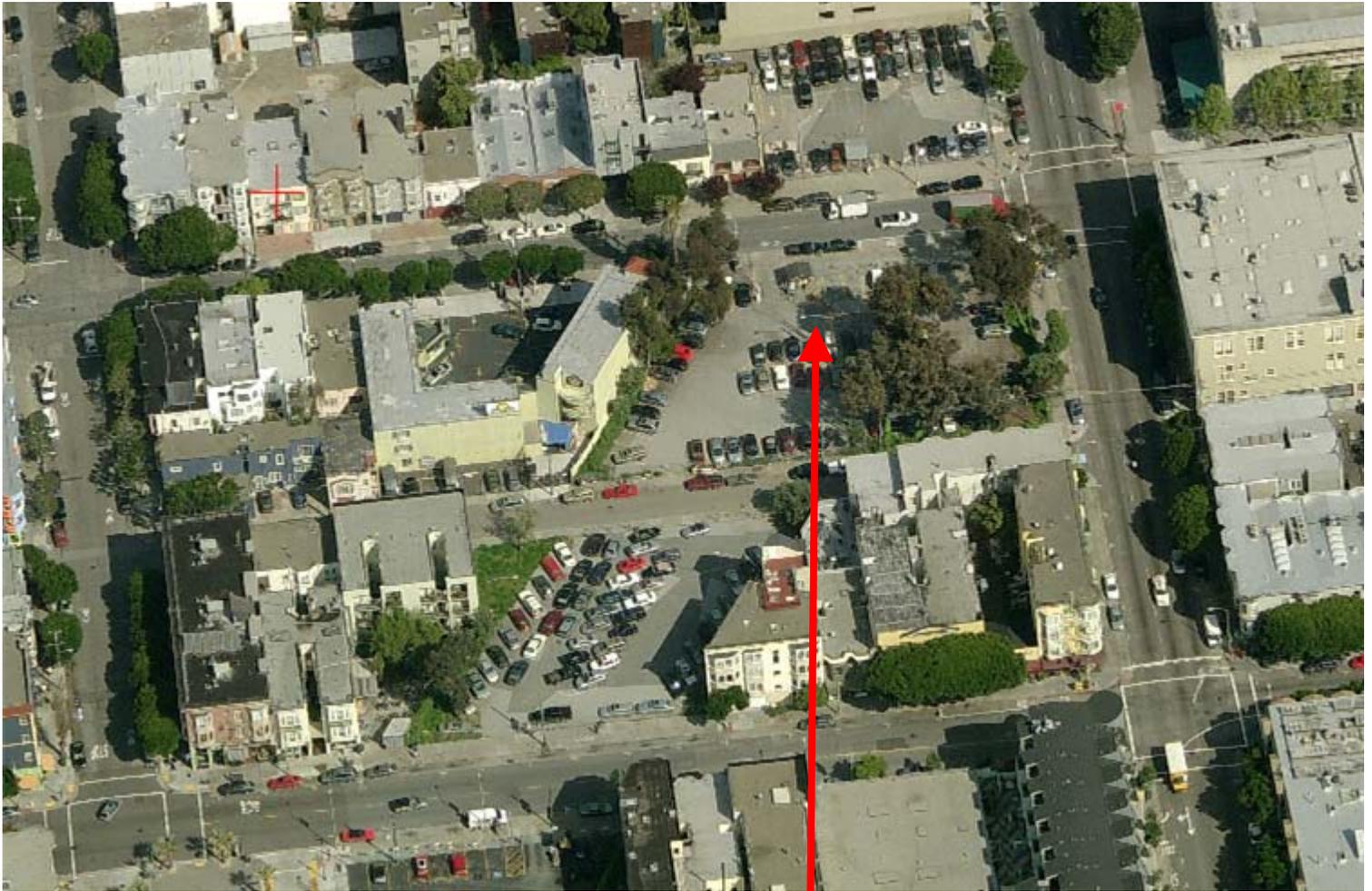


PROJECT SITE



Conditional Use Authorization - Amendment  
Case Number 2011.1327C  
401 Grove Street

# Aerial Photo

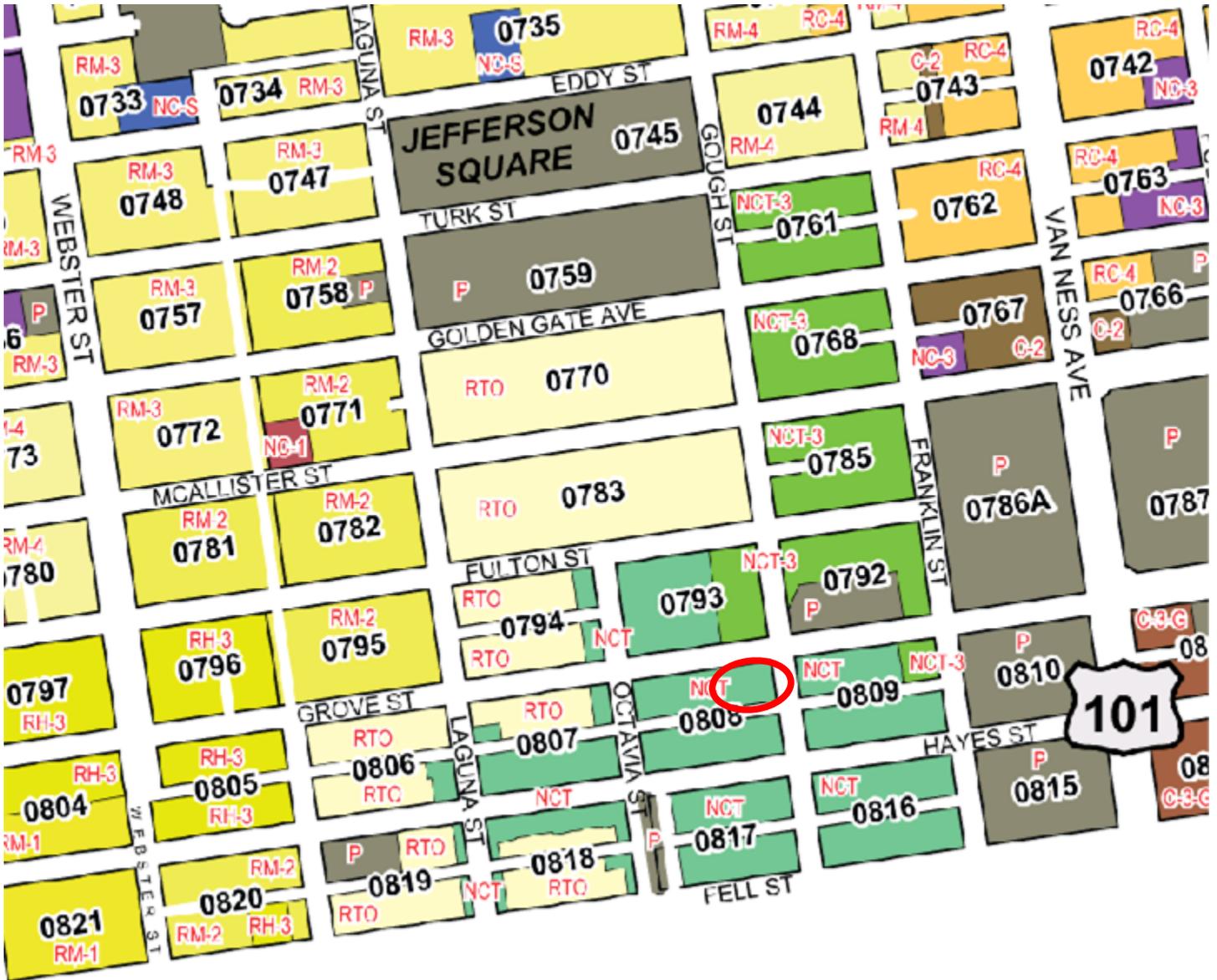


PROJECT SITE

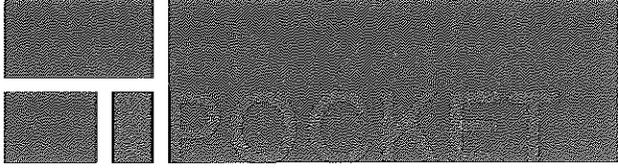


Conditional Use Authorization - Amendment  
Case Number 2011.1327C  
401 Grove Street

# Zoning Map



Conditional Use Authorization - Amendment  
Case Number 2011.1327C  
401 Grove Street



January 4, 2012

Hon. Christina Olague, President  
San Francisco Planning Commission  
1650 Mission Street, 4th Floor  
San Francisco, CA 94103

**Re: 401 Grove Street (Case No. 2011.1327C)**  
**Hearing: January 12, 2012**

Dear President Olague and Commissioners:

Pocket Development, LLC is a partner in Ivy Grove Partners, LLC and is the Sponsor of the 401 Grove mixed-use project which was unanimously approved by the Commission on July 14, 2011 (Case No. 2011.0399C). Our project is being brought back to the Commission on January 12, 2012 due to an oversight concerning parking spaces in the original Staff Report. Seven of our parking spaces were shown on our planning submission as tandem spaces but specific findings were not made by Staff to obtain approval for the extra space in each tandem spot, so our site permit submission was held up. Planning staff never expressed concern about these parking spots, but they were not properly documented in the Staff Report, forcing us to come back to the Planning Commission to complete our entitlements. The parking is the same now as it was when we made our first formal planning submission in January 2011, and has never been a point of controversy, even with the project's neighbors. Parking at a rate of .75:1 is permitted with a conditional use authorization. In effect, our parking ratio will be 0.6:1 including the tandem spaces. Please consider the following:

- The elimination of the seven tandem spaces represents roughly \$300,000 in lost revenue and in an environment where financing and equity are extremely difficult to put together, this is a significant sum to us. We were counting on it. There has already been one failed attempt to develop this vacant site and we need every dollar available to make it happen. The project is good for us, for the City and for the neighborhood.
- In July 2011 the Planning Commission voted unanimously in favor of our plans as submitted, which included the tandem spaces. No concerns were raised over parking.
- The use of the full tandem space will have no negative impact on the garage or the neighborhood.
- We have conformed to the Market Octavia Plan guidelines in every way and are not asking for something out of the ordinary.

We need your help to make this important project a reality. This underutilized site has foundered for many years. We acquired 401 Grove in 2010 out of foreclosure with existing entitlements obtained by the previous developer who wasn't able to bring it to fruition. The approved plans from November 2008 also contained the tandem spaces. So from the beginning the tandem

President Christina Olague  
January 4, 2012

spaces have been an intentional part of the design. The number of hurdles before us are daunting; we hope that a limitation on parking will not add another deterrent to construction financing. Every dollar counts.

**Project Description:**

The 401 Grove project is situated in the heart of Hayes Valley on a former Central Freeway parcel known as Parcel I. With frontage on Grove, Gough and Ivy Streets, the .5 acre parcel will be built out with approximately 5,000 sf of neighborhood-serving ground floor commercial facing Gough and 63 residential units ranging from studios to 3-bedroom townhouses, including walk-up units on both Grove and Ivy Streets. The project will contain nine on-site below-market rate for-sale units (15%), 0.5:1 parking (0.6:1 including tandem spaces), greater than 1:1 bicycle parking, a 2 car carshare pod and perimeter landscaping improvements which will greatly enhance the livability of this block. The design by David Baker + Partners will enliven the site with a significant architectural statement at the prime Grove/Gough corner, while respecting the lower scale of Ivy Street. Following two decades of inactivity at this and the adjacent freeway parcels, development of this important site will have a dramatic impact on its surroundings and provide much-needed housing.

**Conclusion:**

We look forward to discussing this issue with you at the hearing on July 14, 2011. If we can provide any additional insight, please feel free to contact Elizabeth Costello with Pocket Development, LLC (415-956-1226) or Donald Klingbeil (415-956-1227). Thank you for your consideration.



Kevin Guy,  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

January 4<sup>th</sup>, 2012

**Re: 401 Grove Street request for seven excess parking spaces**

Dear Mr. Guy,

The Hayes Valley Neighborhood Association's Transportation & Planning Committee is **opposed** to the request for seven excess parking spaces at 401 Grove Street.

Recall that 401 Grove was a project HVNA enthusiastically endorsed in summer 2011. We endorsed the project because at the time it met the criteria of the Market and Octavia Plan. In 2011 we wrote to you that "Significantly, we welcome the developer's decision to limit parking to the amount permitted as-of-right under the Market/Octavia Plan. As you know, the level of parking maximums was dealt with at great length during the Market/Octavia planning process, and it was envisioned that the increments allowable via a Conditional Use permit should only be available under exceptional circumstances where a clear justification was provided."

Now the project sponsor is asking for seven additional tandem spaces. Seven spaces is a major increase given the scale of the project and the location. There is no compelling reason to add so much parking, and so we urge the planning department staff and the planning commission to oppose this modification.

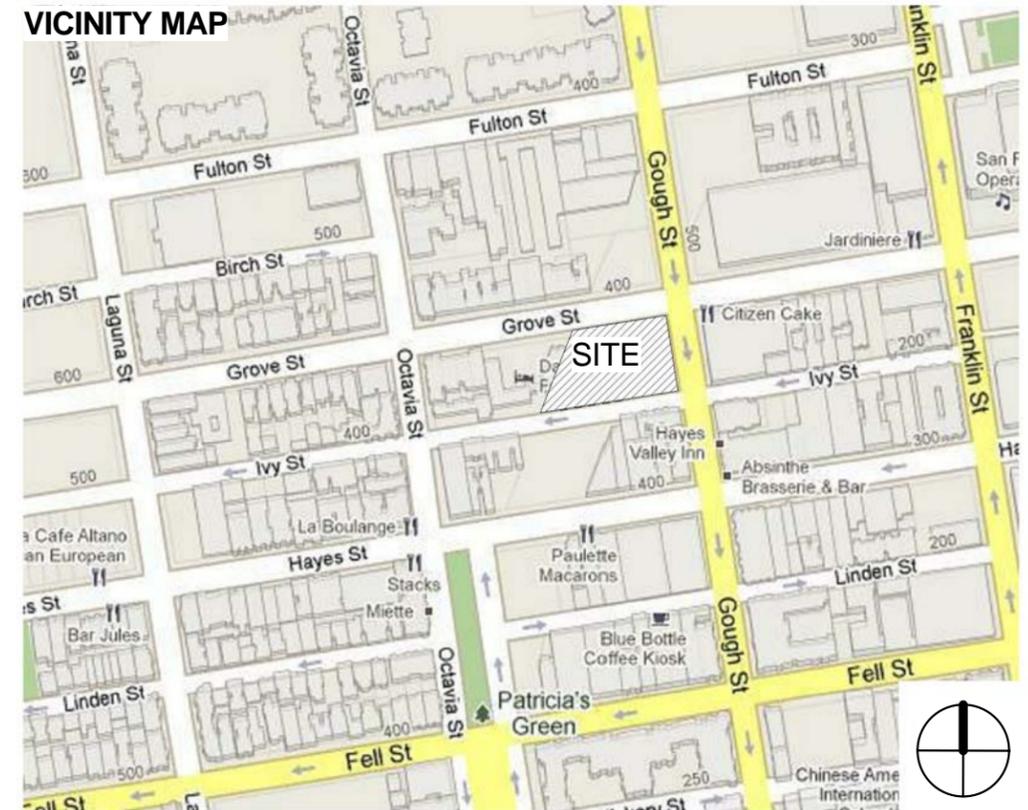
Again, we are on record as extremely enthusiastic for the project as a whole, and look forward to see ground breaking, but if we are keeping within the Market and Octavia Plan we cannot endorse a seven-space increase. We urge the planning commission to deny the request.

Sincerely,

Jason Henderson  
Chair, Hayes Valley Neighborhood Association Transportation & Planning Committee  
300 Buchanan Street Apt 503  
San Francisco CA 94102  
[jhenderson@sbcglobal.net](mailto:jhenderson@sbcglobal.net)  
415-255-8136



## VICINITY MAP



## PROJECT TEAM

**DEVELOPER**  
Ivy Grove Partners, LLC  
615 Front Street  
San Francisco, CA 94111  
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fax 415-362-5805

**ARCHITECT**  
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## PROJECT LOCATION

THE SITE IS LOCATED AT 401 GROVE STREET, AT THE SOUTHWEST CORNER OF GROVE STREET AND GOUGH STREET IN SAN FRANCISCO, CALIFORNIA.

**HOUSING:** THE HOUSING WILL CONSIST OF 58 STUDIO, ONE-, & TWO-BEDROOM UNITS AND 5 THREE-BEDROOM TOWNHOUSES. THE UNITS ARE CLUSTERED AROUND A COURTYARD. A PORTION OF THE GROUND FLOOR WILL CONTAIN RETAIL SPACES. THE BASEMENT WILL CONTAIN RESIDENTIAL PARKING AND UTILITY/MECHANICAL SPACES.

## PROJECT BLOCK & LOT

BLOCK 0808, LOT 036  
LAND-USE DESIGNATION: HAYES-GOUGH NCT (NEIGHBORHOOD COMMERCIAL TRANSIT)  
HEIGHT DISTRICT: 40-X/50-X  
BULK DISTRICT: X

## PLANNING CODE BUILDING HEIGHT

BUILDING HEIGHT = 54.5': EXCEPTION TO METHOD OF MEASUREMENT OF HEIGHT (IN PLANNING CODE SECTION 102.12) GRANTED IN CONDITIONAL USE AUTHORIZATION (CASE NO. 2007.0487CEK). MEASUREMENT OF HEIGHT FOR PORTION OF THE PROJECT SITE THAT IS IN A 50-X HEIGHT AND BULK DISTRICT, FROM THE HIGHEST POINT OF THE SITE, AT THE CURB AT THE WESTERNMOST EDGE OF THE GROVE STREET FRONTAGE.

### Building Area Tabulation

Apartment	
Basement	19392 SF
Level 1	5465 SF
Level 1	8101 SF
Level 2	14198 SF
Level 3	14324 SF
Level 4	13860 SF
Level 5	13787 SF
	89126 SF

Townhouse	
Level 1	2494 SF
Level 2	2573 SF
Level 3	2576 SF
Level 4	520 SF
	8163 SF
Grand total	97289 SF

### Parking Tabulation

Description	Count
Carshare	
Full Size	2
Commercial	
ADA VAN	1
Full Size	2
Residential	
ADA	1
Full Size	24
Tandem	7
	37

### Unit Tabulation

Type	Count
Studio	1
1 Bedroom	23
2 Bedroom	34
Townhouse	5
Grand Total	63

### Open Space Tabulation

Common Usable Open Space	
Common Usable Open Space	674 SF
Roof Deck (east)	2248 SF
Roof Deck (west)	920 SF
Private Usable Open Space	
Private Deck	1145 SF
Private Patio	800 SF
TH Roof Deck	600 SF
	6388 SF

> 5,400 SF  
OPEN SPACE GRANTED IN CONDITIONAL USE AUTHORIZATION (CASE NO. 2007.0487CEK).

### Bicycle Parking

Residential Spaces Req'd: 28  
Residential Spaces Provided: 68

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A 0.4 Rendering - Gough at Grove	A 4.0 Sections
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Ivy Grove Partners, LLC

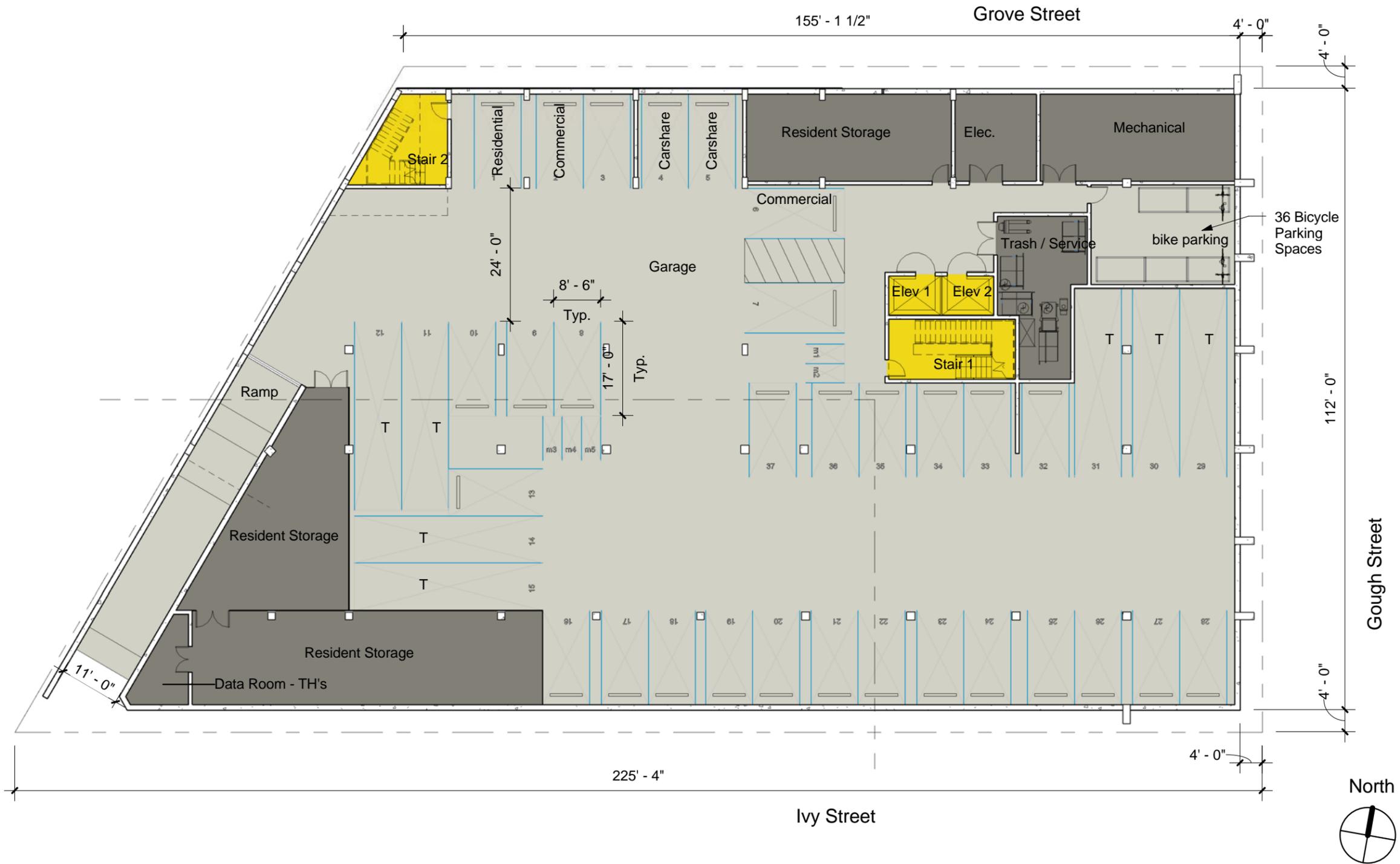
**401 Grove**

**Title Sheet**

21010  
scale: As indicated  
date: 2011.06.16

**A 0.0**





**KEY NOTES**

- ① PLANTER
- ② 48" PATHWAY - 20' O.C.
- ③ 36" X 36" TREE WELL
- ④ EXISTING TREE TO REMAIN
- ⑤ BIKE RACK
- ⑥ SPECIAL SIDEWALK MATERIAL
- ⑦ PLANTED BULB-OUT WITH SEATING
- ⑧ WOOD DECK
- ⑨ FLOW THROUGH PLANTER
- ⑩ PERMEABLE PAVING
- ⑪ TRENCH DRAIN
- ⑫ (E) DRAIN INLET
- ⑬ (E) UTILITY POLE
- ⑭ BUS STOP ALLOWABLE PLANTING ZONE
- ⑮ FRONT PORCH
- ⑯ BAMBOO SCREENS
- ⑰ RAMP @ 8%
- ⑱ TREE 9' MIN. FROM EXISTING OPERATING STREET LAMP
- ⑲ 5' FROM FAR SIDE OF INTERSECTION, NO TREE PLANTING
- ⑳ 25' FROM INTERSECTION, NO TREE PLANTING
- ㉑ 22' X 8' PARKING STALL, TYP.
- ㉒ PEDESTRIAN-SCALE LAMP
- ㉓ UNLOADING ZONE
- ㉔ (E) ASPHALT TO REMAIN
- ㉕ EXTRA WIDE RAISED CROSS-WALK

